



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- ☐ Preproposal Statement of Inquiry was filed as WSR ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR ; or
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-272A-990 On-site Sewage System Fees and WAC 246-272B-990 Large On-site Sewage System Fees

Hearing location(s):

Department of Health
Town Center 2 Building, Room 158
111 Israel Road SE,
Tumwater, WA 98501

Submit written comments to:

Name: Brad Avy

Address:

Wastewater Management Program
PO Box 47825
Tumwater, WA 98504-7825

Web site: <http://www3.doh.wa.gov/policyreview/>

fax: (360) 236-2250 by (date) 09/06/2006

Date: September 6, 2006 Time: 11:00

Date of intended adoption: 09/08/2006

(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact

Kelly Cooper by 08/14/2006

TTY (800) 833-6388 or () 711

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposal will increase fees to support the Department of Health's on-site sewage system program activities. The Legislature provided an exemption to exceed fiscal growth factor limits for these fees in Chapter 518, Laws of 2005.

Reasons supporting proposal:

The fees supporting both on-site sewage system product registration and large on-site sewage system plan review have not been updated since 1991. Program costs have increased since that time and the fee increases are necessary to adequately fund program activities that protect the public from public health risks associated with sewage.

Statutory authority for adoption:

RCW 43.70.110 & 43.70.250

Statute being implemented:

RCW 43.70.110 & 43.70.250

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ NoFederal Court Decision? ☐ Yes ☒ NoState Court Decision? ☐ Yes ☒ No

If yes, CITATION:

DATE 8/01/06

NAME (type or print)

Mary C. Selcky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 2 2006

TIME

WSR

934
06-16-134AM
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None

Name of proponent: (person or organization)

Department of Health

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Kelly Cooper	P.O. Box 47820	(360) 236-3012
Implementation	Brad Avy	P.O. Box 47825	(360) 236-3040
Enforcement	Brad Avy	P.O. Box 47825	(360) 236-3040

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone:

fax:

e-mail:

☒ No. Explain why no statement was prepared.

Under RCW 19.85.025(3), rules that set or adjust fees pursuant to legislative standards are exempt from the requirements of the Regulatory Fairness Act.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone:

fax:

e-mail:

☒ No. Please explain:

Please explain: Under RCW 34.05.328(5)(b)(vi) rules that set or adjust fees pursuant to legislative standards are exempt from the cost-benefit analysis requirements.

AMENDATORY SECTION (Amending WSR 05-15-119, filed 7/18/05, effective 9/15/05)

WAC 246-272A-990 Fees. (~~(Fees will be set by DOH in a separate rule making. We will ask to recodify this section so that it will be in the new chapter until the new fees can be established.)~~) (1) Fees for proprietary product registration are as follows:

<u>Category</u>	<u>Base Fee</u>	<u>Hourly Fee</u>
<u>Product registration - treatment or distribution - initial application</u>	<u>\$400.00</u>	<u>\$100.00 per hour if the application requires more than four hours of review time</u>
<u>Transition from list of approved products and systems (both treatment and distribution products)</u>	<u>\$200.00</u>	<u>\$100.00 per hour if the application requires more than two hours of review time</u>
<u>Annual registration renewal</u>	<u>\$100.00</u>	

(2) The base fee is required at the time of application. Any hourly fees for additional review time must be paid in full before the product will be registered.

AMENDATORY SECTION (Amending WSR 03-22-098, filed 11/5/03, effective 12/6/03)

WAC 246-272B-990 Fees. ((The minimum fee for required review of larger on-site system's engineering reports and plans and specifications shall be four hundred dollars. If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee. The fee for presite inspections for larger on-site systems shall be one hundred dollars per visit. The fee for final inspections of larger on-site systems shall be one hundred dollars per site visit.)) (1) Plan review and inspection. The following fees apply for LOSS application, review and inspection:

<u>Category</u>	<u>Base Fee</u>	<u>Hourly Fee</u>
<u>Project review fee</u>	<u>\$800.00</u>	<u>\$100.00 per hour if the application requires more than eight hours review time</u>
<u>Inspections (presite and final)</u>	<u>\$500.00 per visit</u>	<u>N/A</u>

The base fee is required at the time of application. Any hourly fees for additional review time must be paid in full before final approval is granted.

(2) Operating permits. The following fees apply for annual LOSS operating permits and renewals.

<u>Category</u>	<u>Base Fee</u>	<u>System Volume Fee</u>
<u>Initial operating permit and annual renewal - unconditional systems</u>	<u>\$150.00</u>	<u>\$.01 for each gallon of daily approved design flow</u>
<u>Annual renewal "noncompliant - conditional systems"</u>	<u>\$150.00</u>	<u>\$.02 for each gallon of daily approved design flow</u>